

*U.S. Patent Application Serial No. 10/540,274
Reply to Office Action dated November 29, 2007*

Carlo discloses a vehicle antitheft device connected between an electric system and the vehicle battery that disables starting by interrupting the power line of the battery. In contrast, the Applicants prevent malfunction of a vehicle antitheft device when starting the engine based on radio communication from a portable device.

The Examiner is invited to consider:

Supplier. There is no element in Carlo that supplies current to "electric equipment *other than the starter,*" as claimed. Carlo's Fig. 2 clearly shows that *all* of the current flows out of the Carlo device through a single connection 50; from there it goes to the starter ST, and to everything else as well. Fig. 3 shows the same thing. With respect, it is impossible for the Carlo device cannot anticipate this feature of claim 1.

"Before." For the same reason, Carlo does not disclose supplying electric current "after said [radio] collation is completed but before electric current is sent to the starter." Not only is the Carlo device incapable of this, there would be no suggestion toward this feature even if it *were* capable. Carlo is based entirely on sensing a large current, that is, a current to the starter. It does nothing before there is a current to the starter.

No element is applied against the claimed supplier. The Examiner cites "col. 2, line 65 plus," but this is the entire disclosure of the Carlo device, comprising 91% of the text. With respect, this citation is so general that it does not constitute an identification of what element of Carlo is asserted to anticipate.

Limiter. No element is applied against the claimed limiter. However, the elements that *limit activation of [a] theft preventing function when a current is first supplied to said in-vehicle electric equipment* can only be elements that prevent the solenoid 72 from being opened when

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current is first supplied to the vehicle, because opening the solenoid is the theft preventing function. However, no such elements are seen.

The solenoid 72 is normally closed (col. 7, lines 14-47), and therefore current will have been supplied for an indefinitely long period—it only opens when some one tries to start the vehicle without using the lockout (col. 8, lines 39-50), which causes an interruption of power to the vehicle. In Carlo, therefore, current was “first supplied” days or weeks ago, and if the owner always remembers to use the lockout, the battery might have been connected for years. Carlo is not seen to describe actions in the past, and therefore it does not disclose this feature of claim 1.

The Examiner is invited to note that equipment other than the starter is directly connected to the terminal 50 of the Carlo device, and therefore *current is ... supplied to ... in-vehicle electric equipment other than the battery.*

Actuator. The rejection mentions Carlo’s “power switch” (col. 3, line 10) which includes a rod 70 and a solenoid 72 (col. 7, line 45), which is applied against the Applicants’ actuator. Carlo discloses a radio R, antenna 130, and circuit parts 140, 142, 144, 150, 160, 170, 100, 80, and 90 terminating in the solenoid 72. The Applicants respectfully suggest that the solenoid is actuated, rather than being an actuator.

Claim 2. Claim 2 is allowable at least on the basis of dependence from allowable claims.

§ 103. Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being obvious over Carlo.

This rejection is respectfully traversed at least on the basis of dependence from allowable claims.

§ 103. Claims 4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being obvious over Carlo in view of Wallace, US 6,191,703. This rejection is respectfully traversed on the basis of

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dependence and also the basis that Wallace only discloses detecting a key in a cylinder, and cannot remedy the deficiency of Carlo.

Fig. 2 of Wallace shows a DISABLE 110 which is part of a radio receiver 46. The remote control means and transmitter appear to be in the key 16. The "transmitter means proximately located to the sensor means" appears to refer to the key being in or near the keyhole of the ignition switch 64, where it is sensed by the interrogation coil 62 (col. 5, lines 5-15). Wallace writes (col. 6, line 10), "The transponder 58 [i.e., the key] must be within range of the interrogation coil 62 for the interrogation sequence to occur." At col. 6, line 28, Wallace writes, "when the security code of the key matches the security code [of the vehicle], the immobilizer control outputs the engine enable message" (that is, the engine is permitted to start). Wallace continues at line 38, "In response to ... the engine enable message ... the disable function 110 ... is activated to disable performance of the remote convenience functions (e.g., lock and unlock)." This means that the key buttons for lock, unlock, and panic will not function when the key is in the keyhole (col. 6, lines 44-54).

With respect, Wallace is seen to have no relation whatsoever to limiting a theft prevention function, and the features of the Applicants' claims are not disclosed. No "warning" is seen, and still less is seen a warning of engine turn-on without the key. It is noted that the Examiner asserts only that Wallace discloses detecting the key in the cylinder, does not assert that the Applicants' features are disclosed, and provides no citations.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action, at an early date, is requested.

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The Examiner is invited to contact the undersigned attorney at the telephone number indicated below to discuss this case.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571-273-8300) on February 25, 2008.

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Signature *Nick Bromer*